

George F. Ogilvie III (NSBN #3552)
Amanda C. Yen (NSBN #9726)
McDONALD CARANO LLP
2300 W. Sahara Ave, Suite 1200
Las Vegas, NV 89102
Telephone: 702.873.4100
Fax: 702.873.9966
gogilvie@mcdonaldcarano.com
ayen@mcdonaldcarano.com

Steven L. Procaccini (*Pro Hac Vice*)
Madelaine P. Hicks (*Pro Hac Vice*)
NISSENBAUM LAW GROUP, LLC
2400 Morris Avenue, Suite 301
Union, NJ 07083
Telephone: 908-686-8000
Fax: 908-686-8550
sp@gdnlaw.com
mh@gdnlaw.com

Attorneys for plaintiff Todd VanDeHey

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

TODD VANDEHEY, an individual,

Plaintiff,

v.

CASE NO: 2:17-cv-02230-JAD-NJK

**LOCAL RULE 26-3 INTERIM STATUS
REPORT**

REAL SOCIAL DYNAMICS, INC., a Nevada
corporation; NICHOLAS KHO, an individual;
OWEN COOK, an individual; AMBER KHO, an
individual, John Does 2 through 10, all whose
true names are unknown; ABC Companies 1
through 10, all whose true names are unknown.

Defendants.

REAL SOCIAL DYNAMICS, INC., a Nevada
corporation; NICHOLAS KHO, an individual;
OWEN COOK, an individual; AMBER KHO, an
individual,

Counterclaimants,

vs.

TODD VANDEHEY, an individual,

Counter-defendant.

1 Plaintiff and defendants, through their respective counsel, submit this interim status report
 2 pursuant to Local Rule 26-3 and the December 22, 2017 Discovery Plan and Scheduling Order
 3 (ECF No. 74).

4 **I. INTRODUCTION**

5 The parties are working diligently to coordinate and schedule depositions prior to the
 6 discovery cutoff deadline, but the parties mutually agree that there may be a need for further
 7 written discovery requests and/or depositions after the initial set of depositions are completed.

8 Accordingly, the parties anticipate they may need to submit a request to the magistrate
 9 judge for a brief sixty-day extension from June 6, 2018 to August 6, 2018 to ensure that all
 10 discovery is completed within the deadline.

11 **II. TIME FOR TRIAL**

12 The parties estimate that five trial days will be required to try this case.

13 **III. TRIAL DATES**

14 The parties can be available to begin trial November 5, November 12, and December 3,
 15 2018.

16 **IV. SUBSTANTIVE MOTIONS**

17 In the opinion of the parties who will try the case, trial may be eliminated by substantive
 18 motions. On October 12, 2017, plaintiff filed a Motion for Summary Judgment for Declaratory
 19 Judgment Pursuant to 28 U.S.C. 2201 and FRCP 57 to determine contract enforceability of the
 20 July 27, 2004 independent contractor agreement between the plaintiff and defendant Real Social
 21 Dynamics. The decision is still pending.

22 Presently, there is JAMS arbitration (reference number 1260004577) between the parties.
 23 Upon the plaintiff's motion, the arbitration was stayed by the Honorable David T. Wall on
 24 February 1, 2018.

25 In addition, there is pending motion to dismiss and compel arbitration that was filed by the
 26 defendants on January 8, 2018. The decision is still pending.

27 ...

28 ...

V. ADDITIONAL MATTERS

The parties certify that they have considered consent to trial by a magistrate judge under 28 U.S.C. §636(c) and Fed. R. Civ. P. 73, use of the Short Trial Program (General Order 2013-01), and the use of alternative dispute-resolution processes including mediation, arbitration and early neutral evaluation.

DATED this 9th day of April, 2018.

NISSENBAUM LAW GROUP, LLC

MAIER GUTIERREZ & ASSOCIATES

By: /s/Steven L. Procaccini

By: /s/Steven G. Knauss

Steven L. Procaccini
Madelaine P. Hicks
2400 Morris Avenue, Suite 301
Union, NJ 07083
Telephone: 908-686-8000
Fax: 908-686-8550
sp@gdnlaw.com
mh@gdnlaw.com

Joseph A. Gutierrez, Esq.
Steven G. Knauss, Esq.
8816 Spanish Ridge Avenue
Las Vegas, Nevada 89148
*Attorneys for Defendants Real Social
Dynamics, Inc., Nicholas Kho, Owen Cook,
and Amber Kho*

McDONALD CARANO LLP
George F. Ogilvie III
Amanda C. Yen
2300 W. Sahara Ave, Suite 1200
Las Vegas, NV 89102
Telephone: 702.873.4100
Fax: 702.873.9966
gogilvie@mcdonaldcarano.com
ayen@mcdonaldcarano.com

Attorneys for Plaintiff Todd VanDeHey